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POLITICAL SUBDIVISIONS - OHIO

State ex rel. Ohio-Kentucky-Indiana Regional Council of Governments v. Bureau of Workers' Compensation

Supreme Court of Ohio - September 6, 2022 - N.E.3d - 2022 WL 4074772 - 2022-Ohio-3058

Council of regional governments, which provided coordinated planning services to federal, state and local governments, their political subdivisions, agencies, departments, instrumentalities, special districts and private agencies or entities relating to regional transportation and development plan within region, sought writ of mandamus ordering state Bureau of Workers' Compensation (BWC) to change council's Ohio State Workmen's Compensation Insurance Fund Manual classification as a "special public authority," a type of public-employer taxing district, which resulted in a much higher premium, and to reassign classifications previously in effect which were applicable to private employers.

Magistrate issued decision recommending issuance of writ. The Tenth District Court of Appeals denied writ. Council appealed.

The Supreme Court held that:

- Council was not a public employer;
- Manual classification that applies to public employers that are taxing districts did not apply to council; and
- BWC's failure to explain why reclassification to "special public authorities" most closely described council's degree of hazard warranted grant of limited writ of mandamus.

Council of regional governments, which provided coordinated planning services to federal, state and local governments, their political subdivisions, agencies, departments, instrumentalities, special districts and private agencies or entities relating to regional transportation and development plan within region, was not a "public employer" for classification of council with respect to risk of hazard for purposes of determining workers' compensation premium rates, even though council received some of its funding from public sources and designated itself a public body in its articles of agreement, apparently for purposes of receiving federal transportation funds; council did not fit into any of the categories of public employers, which were delineated with great specificity.

Council of regional governments, which provided coordinated planning services to federal, state and local governments, their political subdivisions, agencies, departments, instrumentalities, special districts and private agencies or entities relating to regional transportation and development plan within region, was not a "taxing district," and thus classification in Ohio State Workmen's Compensation Insurance Fund Manual that applies to public employers that are taxing districts, for purposes of determining rate of an employer's workers' compensation premiums, did not apply to council, which was not a territorial division of government throughout which a tax may be levied, and council had no taxing authority.

Bureau of Workers' Compensation's (BWC) failure to explain why reclassification under Ohio State

Workmen’s Compensation Insurance Fund Manual from classifications for private employers to “special public authorities” most closely described degree of hazard for Council of regional governments, which provided coordinated planning services to federal, state and local governments, their political subdivisions, agencies, departments, instrumentalities, special districts and private agencies or entities relating to regional transportation and development plan within region, warranted grant of limited writ of mandamus ordering BWC to evaluate degree of hazard in council’s business and to explain any conclusion as to why classification best described council’s business with respect to the degree of hazard; council did not meet the definition of a classification.

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